

Christopher Sproul (State Bar No. 126398)
Stuart Wilcox (State Bar No. 327726)
Brian Orion (State Bar No. 239460)
Environmental Advocates
5135 Anza Street
San Francisco, California 94121
Telephone: (415) 533-3376
Facsimile: (415) 358-5695
Email: csproul@enviroadvocates.com
wilcox@enviroadvocates.com
borion@enviroadvocaters.com

Attorneys for Plaintiff
ECOLOGICAL RIGHTS FOUNDATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ECOLOGICAL RIGHTS FOUNDATION, a
non-profit corporation,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

Civil Case No. 3:20-cv-06898-SI

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINES
FOR ADDITIONAL BRIEFING (RE:
DKT. 54)**

1 Pursuant to Local Civil Rules 6-2 and 7-12, the parties, through the undersigned
2 counsel, submit the following stipulation to continue the deadline for filing any motion
3 for attorneys' fees and costs under Federal Rules of Civil Procedure 54(d)(2) for 67 days.
4 To that end, the parties request that the deadline to file a motion for attorneys' fees and
5 costs be continued from August 4, 2023 (30 days after the U.S. Court of Appeals for the
6 Ninth Circuit issues a decision on the appeal) to October 10, 2023. (Dkt 54).

7 WHEREAS, the Court issued its judgment in this matter on June 15, 2022 (Dkt.
8 50).

9 WHEREAS, Federal Rule of Civil Procedure 54(d)(2) generally provides a 14-day
10 deadline from the entry of judgment for a party to file a motion for attorneys' fees and
11 costs.

12 WHEREAS, on June 27, 2022, the Court granted a stipulation to continue the
13 deadline for a motion for attorneys' fees and costs under Federal Rule of Civil Procedure
14 54(d)(2) to 30 days after the U.S. Court of Appeals for the Ninth Circuit issues a decision
15 on the appeal. (Dkt. 54).

16 WHEREAS, Plaintiff appealed the Court's June 15, 2022 judgment on June 23,
17 2022 and the Ninth Circuit rendered its decision denying Plaintiff's appeal on July 5,
18 2023, thus rendering any motion for attorneys' fees and costs due on August 4, 2023.
19 (Dkts. 51, 55, 56).

20 WHEREAS, Defendant contends that Plaintiff is neither eligible for nor entitled to
21 any award of attorneys' fees and costs in this matter;

22 WHEREAS, the parties have agreed to confer on the issue of attorneys' fees; and

23 WHEREAS, the additional time will allow the parties an opportunity to attempt to
24 resolve any remaining issues related to attorneys' fees and costs, if any, without further
25 Court involvement, or in the alternative to file any necessary motions. As such, it is
26 hereby stipulated by and between the parties that the deadline to file a motion for
27 attorneys' fees and costs be continued such that the motion deadline shall be October 10,
28 2023. This is the parties' second request for a continuation of the deadline to file any

1 motions for attorneys' fees and costs and the parties do not anticipate that this request
2 will impact the case management schedule in this matter.

3 IT IS SO STIPULATED.
4

5 DATED: July 26, 2023

ECOLOGICAL RIGHTS FOUNDATION

6
7 By: /s/ Stuart Wilcox
STUART N. WILCOX

8 Attorney for Plaintiff
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10 DATED: July 26, 2023

11 Respectfully submitted,
ISMAIL J. RAMSEY
12 United States Attorney

13 /s/ Valerie E. Smith*
14 VALERIE E. SMITH
15 Assistant United States Attorney
Attorneys for Defendant


16 **In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests that each*
17 *signatory has concurred in the filing of this document.*
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, any motion for attorneys' fees pursuant to Federal Rule of Civil Procedure 54(d)(2) is continued to October 10, 2023.

IT IS SO ORDERED.

Dated: July 27, 2023



THE HONORABLE SUSAN ILLSTON

United States District Judge